UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,962	02/09/2001	Erik James Reed	40406/DJS/Y62	6926

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EXAMINER
SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/780,962	REED, ERIK JAMES
	Examiner	Art Unit	
	Mohammad A. Siddiqi	2154	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _16 December 2004_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-36_ is/are pending in the application.

    4a) Of the above claim(s) _37-54_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-36_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _12/16/2004_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 20050420

DETAILED ACTION

1.   Claims 1-54 are presented for examination. Claims 37-54 have been

withdrawn for further consideration.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on 12/16/2004

was filed after the mailing date of the Office Action filed on 06/04/2004. The

submission is in compliance with the provisions of 37 CFR 1.97. Accordingly,

the information disclosure statement is being considered by the examiner.

Election/Restrictions

3.   Claims 37-54 are withdrawn from further consideration pursuant to 37

CFR 1.142(b) as being drawn to a nonelected invention, there being no

allowable generic or linking claim. Election was made **without** traverse in

the reply filed on 12/16/2004.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for paten (by
> another filed in the United States before the invention thereof by the applicant for patent,
> or on an international application by another who has fulfilled the requirements of
> paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by
> the applicant for patent.

5.   Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated

by Hurtado et al. (6,611,812) (hereinafter Hurtado).

6.   As per claim 1,Hurtado discloses in a system comprising a

communications network connecting a plurality of network servers and a

plurality of computers, a network server comprising:

a verification database comprising (col 26, lines 45-65, and col 31,

lines 55-64);

at least one master table of contents (metadata provides information

about the content, quality, condition, and other characteristics of data, here

metadata provides information about the music CD .g., artist, producer,

album cover, track length, col 12, lines 17-25) identifier corresponding to

each of a plurality of sets of digitized content (col 20, lines 14-18 and col 31,

lines 55-64); and

at least one master songprint identifier (col 12, lines 17-25)

corresponding to each of the plurality of sets of digitized content (col 31,

lines 55-58); and

wherein the network server is programmed to (fig 9, col 74, line 60);

receive at least one of a plurality of selections of table of contents

identifiers from at least one of the plurality of computers (col 25, lines 24-38

and col 31, lines 40-67);

receive at least one of a plurality of songprint identifiers from the at

least one of the plurality of computers (col 25, lines 50-67).

7.   As per claims 2 and 30, Hurtado discloses to receive one selection of

table of content identifiers from the at least one of the plurality of computers

(fig 6, col 25, lines 24-38 and col 31, lines 40-67).

8.   As per claims 3 and 31, Hurtado discloses to receive a songprint

identifiers from the at least one of the plurality of computers (fig 6, col 25,

lines 24-38 and col 31, lines 40-67).

9.   As per claim 4, Hurtado discloses wherein the table of content

identifiers comprised of a concatenation of the lengths of the sets of digitized

content (fig 16, col 61, lines 25-29).

10.   As per claim 5, Hurtado discloses to request at least one of a plurality

of regions of digitized content from the at least one of the plurality of

computers (fig 16, col 95-96).

11.   As per claim 6, Hurtado discloses to request one region of digitized

content from the at least one of the plurality of computers (col 95-96).

12.   As per claim 7, Hurtado discloses the request for one or more regions

of digitized content is generated as a function of a pseudo-random sequence

(track content, col 14, lines 56-60).

13.   As per claim 8, Hurtado discloses the pseudo-random sequence is a

function of a network address of the at least one of the plurality of

computers (col 14, lines 24-67).

14.   As per claim 9, Hurtado discloses wherein the pseudo-random

sequence is a function of the time of day (col 93, lines 61-67).

15.   As per claim 10, Hurtado discloses wherein the pseudo-random

sequence is a function of both a network address of at least one of the

plurality of computers and the time of day (user identification, col 94, lines

3-13).

16.   As per claim 11, Hurtado discloses wherein the request for regions of

digitized content is further comprised of a request for at least one of a

plurality of decoy regions of digitized content from the at least one of the

plurality of computers (user interface, col 88, lines 29-51).

17.   As per claim 12, Hurtado discloses wherein the request for at least one

of a plurality of decoy regions of digitized content is a function of a pseudo-

random sequence (HTML pages, col 88, lines 33-51).

18.   As per claim 13, Hurtado discloses wherein the pseudo-random

sequence is a function of a network address of the at least one of the

plurality of computers (URL, col 88, lines 52-67).

19.   As per claim 14, Hurtado discloses wherein the pseudo-random

sequence is comprising a function of the time of day (col 43, lines 35-40).

20.   As per claim 15, Hurtado discloses wherein the pseudo-random

sequence is comprising a function of both a network address of the at least

one of the plurality of computers and the time of day (URL, col 88, lines 33-

51),.

21.   As per claim 16, Hurtado discloses wherein the request for one or

more than regions of digitized content is further comprised of only one non-

decoy region of digitized content from the at least one of the plurality of

computers (content player, col 90, lines 55-64).

22.   As per claim 17, Hurtado discloses wherein the verification database is

further comprised of only one master table of contents identifier for each of

a corresponding plurality of sets of digitized content (digital content library,

col 95, lines 8-29).

23.   As per claim 18, Hurtado discloses wherein the verification database is

further comprised of only one master songprint identifier for each of a

corresponding plurality of sets of digitized content (col 12, lines 17-25 and

col 31, lines 55-64)

24.   As per claims 19 and 32, Hurtado discloses further programmed to

verify whether the received table of content identifier correlates with the

master table of content identifier (col 31, lines 55–64).

25.   As per claims 20,24, 28 and 33, Hurtado discloses to verify whether

the received table of content identifiers correlates perfectly with the master

table of content identifier (col 31, lines 55-64).

26.   As per claims 21, Hurtado discloses programmed to verify whether the

received songprint identifiers correlates with the master songprint identifier

(col 31, lines 55-64 and col 12, lines 17-25).

27.   As per claims 22, 26, 34, and 35, Hurtado discloses further

programmed to verify whether the received songprint identifier correlates

perfectly with any master songprint identifier (col 31, lines 55-64 and col 12,

lines 17-25).

28.   As per Claim 23, 25, 27 and 29 are rejected based on the same

reasoning as claim 1, in addition to Hurtado discloses as a function of

whether or not the received selections of table of content identifiers

correlate with the master table of content identifier (col 31, lines 55-64 and

col 12, lines 17-25),

   request at least one of a plurality of regions of digitized content from the

at least one of plurality of computers (HTML pages, col 88, lines 33-51).

29.   As per claim 36, Hurtado discloses In an electronic device containing

one or more sets of digitized content stored on a medium, the method of

generating table of contents identifiers comprising the steps:

      reading table of contents data from the medium (col 67, lines 54-65);

      computing a cryptographic (col 30-40) hash value (col 42, lines 40-

41) of the concatenation of the lengths of each track (col 14, lines 56-57) on

the medium (col 41, lines 5-67); and

truncating the cryptographic (col 16, line 7) hash value (col 17, lines 8-16).

Response to Arguments

30.   Applicant's arguments filed 12/16/2004 have been fully considered but

they are not persuasive, therefore rejections to claims 1-36 is maintained.

31.   In the remarks applicants argued that:

A.   The Content ID in Hurtado is not a "master table of

contents identifier."

B. More particularly, Hurtado does not disclose or suggest a

Content ID stored in a database at the Clearinghouse that is

used in verification.

C. the metadata of Hurtado, including Content IDs, does not

include the "master table of contents identifiers" in claim 1.

D. This passage of Hurtado (or any other passage that

Applicant could find) does not disclose or suggest a songprint

identifier" of claim 1.

E. metadata is not stored at the Clearinghouse. More

particularly, as discussed above, Hurtado does not disclose or

suggest metadata stored in a database at the Clearinghouse that

is used in verification.

F. Hurtado does not disclose or suggest table of contents

identifiers or songprint identifiers in any context.

G. Accordingly, the cited section of Hurtado does not disclose

or suggest the claimed element of "reading table of contents

data from the medium " as recited in claim 36.

32.   In response to applicants argument A and E, examiner respectfully

disagrees. Hurtado teaches master table of contents (metadata provides

information about the content, quality, condition, and other characteristics of

data, here metadata provides information about the music CD .g., artist,

producer, album cover, track length, col 12, lines 17-25) identifier

corresponding to each of a plurality of sets of digitized content (col 12, lines

17-25, col 20, lines 14-18 and col 31, lines 55-64, Meta data is stored in

databases, table names and attributes are known as meta data).

33.   In response to applicants argument B, examiner respectfully

disagrees. Hurtado teaches at least one master songprint identifier (col 12,

lines 17-25) corresponding to each of the plurality of sets of digitized

content (col 31, lines 55-58 and col 20, lines 14-18, metadata is captured

from the content provider database, content is music CD).

34.   In response to applicants argument C, D, and F examiner respectfully

disagrees. Hurtado teaches table of contents identifiers from at least one of

the plurality of computers (col 25, lines 24-38 and col 31, lines 40-67, Meta

data is stored in databases, table names and attributes are known as meta

data). songprint identifiers (1605, fig 16) from the at least one of the

plurality of computers (col 25, lines 50-67).

35.   In response to applicants argument G, examiner respectfully

disagrees. Hurtado teaches reading table of contents data from the medium

(fig 12, 1201, col 67, lines 54-65).

Conclusion

36.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to

expire THREE MONTHS from the mailing date of this action. In the event a

first reply is filed within TWO MONTHS of the mailing date of this final action

and the advisory action is not mailed until after the end of the THREE-

MONTH shortened statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply

expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Mohammad A. Siddiqi whose

telephone number is (571) 272-3976. The examiner can normally be

reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS